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MAXLINEAR, INC. AND MAXLINEAR
9 COMMUNICATIONS LLC

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

12 ENTROPIC COMMUNICATIONS,
13 LLC,

14 Plaintiff,

15 v.

16 COX COMMUNICATIONS, INC.;
17 COXCOM, LLC; AND COX
COMMUNICATIONS
18 CALIFORNIA, LLC,

19 Defendants,

20 COX COMMUNICATIONS, INC.;
21 COXCOM, LLC; AND COX
COMMUNICATIONS
22 CALIFORNIA, LLC,

23 Counter-Claimants,

24 v.

25 ENTROPIC COMMUNICATIONS,
26 LLC; MAXLINEAR, INC.; AND
MAXLINEAR
COMMUNICATIONS LLC,

27 Counter-Defendants.
28

Case No. 2:23-cv-01043-JWH-KES
(Lead Case)

Case No. 2:23-cv-01047-JWH-KES
(Related Case)

Judge: Hon. John W. Holcomb

**COUNTER-DEFENDANTS
MAXLINEAR, INC. AND
MAXLINEAR COMMUNICATIONS
LLC'S APPLICATION TO FILE
UNDER SEAL OBJECTION TO
SPECIAL MASTER'S REPORT
AND RECOMMENDATION ON
MOTIONS REFERRED BY COURT
ON FEBRUARY 9, 2024, AND
MARCH 26, 2024**

Action Filed: Feb. 10, 2023
Am. Counterclaims Filed: Jan. 9, 2024

Pursuant to Local Rule 79-5.2.2(a) and (b) governing documents to be filed under seal, Counter-Defendants MaxLinear, Inc. and MaxLinear Communications LLC (collectively, “MaxLinear”) hereby submit their Application for Leave to File Under Seal Counter-Defendants MaxLinear, Inc. and MaxLinear Communications LLC’s Objection to Special Master’s Report and Recommendation on Motions Referred by Court on February 9, 2024, and March 26, 2024 and Memorandum of Points and Authorities (“Objection”).

MaxLinear seeks leave to file under seal highlighted portions of MaxLinear’s Objection that quote from or reference (1) the membership agreement between Cox Communications, Inc. and the Multimedia over Coax Alliance, which Cox designated “Confidential,” attached as Exhibit A (ECF No. 337) to MaxLinear’s previously filed Request for Judicial Notice (ECF No. 323), and (2) portions of the Special Master’s Report and Recommendation that have been filed under seal. The Court granted MaxLinear’s motion to file Exhibit A under seal (ECF No. 333).

Document to be sealed	Portions to be sealed (page:line(s))
Portions of MaxLinear’s Objection that quote from or reference (1) Exhibit A (ECF No. 337) to MaxLinear’s previously filed Request for Judicial Notice (ECF No. 323) and (2) portions of the Special Master’s Report and Recommendation that have been filed under seal.	6:24-25; 8:10-11; 8:13-14; 8:18-26; 9:1; 9:5-6; 9:23-24; 12:4-9; 12:12-14

Cox designated the document in Exhibit B as “Confidential” under the operative protective order (ECF No. 157). (Lanham Decl. ¶ 5.) Cox confirmed that it did not oppose filing the portions of the Objection under seal. (*Id.* ¶ 6.)

Pursuant to Local Rule 79-5.2.2(a) and (b), MaxLinear applies to file under seal the document listed above. Under Rule 79-5.2.2(a), a party may seek leave to

1 file a document under seal so long as the Application describes the nature of the
2 information that should be closed to public inspection and is accompanied by: (1) a
3 declaration establishing good cause why the strong presumption of public access in
4 civil cases should be overcome and informing the Court whether anyone opposes
5 the Application; (2) a proposed order; (3) a redacted version of the relevant
6 documents; and (4) an unredacted version of the relevant documents. MaxLinear
7 has complied with these requirements. The information that MaxLinear seeks to
8 seal under Rule 79-5.2.2(a) is contained within a sealed Report and
9 Recommendation that quotes from or references a confidential agreement between
10 MaxLinear, Inc. and Entropic Communications, LLC. The information that
11 MaxLinear seeks to seal under Rule 79-5.2.2(b) is contained in a confidential
12 agreement between Cox Communications, Inc. and a third-party entity, which Cox
13 has designated “Confidential” under the operative protective Order (ECF No. 157)
14 and which has been previously filed under seal (ECF No. 337). The public does not
15 have an interest in accessing this confidential information. Additionally,
16 MaxLinear’s request is narrowly tailored to only prevent the public from viewing
17 confidential information. Finally, Cox does not oppose MaxLinear’s under seal
18 filing as to information Cox has designated as Confidential.

19 Therefore, compelling reasons exist to seal the highlighted portions of the
20 above documents. *See Aya Healthcare Servs., Inc. v. AMN Healthcare, Inc.*, 2020
21 WL 1911502, at *5 (S.D. Cal. Apr. 20, 2020) (“The Court agrees that compelling
22 reasons exist to seal references . . . to Defendants’ proprietary business records that
23 detail sensitive financial terms, proprietary business strategies, and confidential
24 negotiations and agreements with third parties.”); *In re Qualcomm Litig.*, 2019 WL
25 1557656, at *3 (S.D. Cal. Apr. 10, 2019) (granting motions to seal “confidential
26 business information of the parties, including trade secrets, proprietary business
27 records, discussions of internal strategy, company dealings, and materials
28 designated as ‘Highly Confidential’”).

1 MaxLinear respectfully requests that this Court order the unredacted
2 document to be filed under seal. Redacted and unredacted versions of the
3 Objection are filed herewith.

4 This Application is accompanied by a Declaration of John R. Lanham and a
5 Proposed Order.

6 Dated: May 13, 2024

MORRISON & FOERSTER LLP

8 By: /s/ John R. Lanham

9 John R. Lanham

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